REMARKS

[0002]   Applicant respectfully requests reconsideration and allowance of all of the claims of the application. Claims 27-46 are presently pending. Claims amended herein are 27 and 45-46. No claims have been canceled or withdrawn herein, nor have any new claims been added

Statement of Substance of Interview

[0003]   The Examiner graciously talked with me—the undersigned representative for the Applicant—on February 17, 2009. Applicant greatly appreciates the Examiner's willingness to talk. Such willingness is invaluable to both of us in our common goal of an expedited prosecution of this patent application.

[0004]   During the interview, I discussed how the claims differed from the cited references. Without conceding the propriety of the rejections and in the interest of expediting prosecution, I also proposed several possible clarifying amendments.

[0005]   The Examiner was receptive to the proposals, and I understood the Examiner to indicate that the proposed clarifying claim amendments appeared to distinguish over the cited art of record. However, the Examiner indicated that he would need to review the cited art more carefully and/or do another search, and requested that the proposed amendments be presented in writing.

[0006]   Applicant herein amends the claims in the manner discussed during the interview. Accordingly, Applicant submits that the pending claims are allowable

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over the cited references of record for at least the reasons discussed during the interview.

Formal Request for an Interview

[0007]   If the Examiner's reply to this communication is anything other than allowance of all pending claims, then I formally request an interview with the Examiner. I encourage the Examiner to call me—the undersigned representative for the Applicant—so that we can discuss this matter so as to resolve any outstanding issues quickly and efficiently over the phone.

[0008]   Please contact me to schedule a date and time for a telephone interview that is most convenient for both of us. While email works great for me, I welcome your call as well. My contact information may be found on the last page of this response.

Claim Amendments

[0009]   Without conceding the propriety of the rejections herein and in the interest of expediting prosecution, Applicant amends claims 27 and 45-46 herein. Applicant amends claims to clarify claimed features. Such amendments are made to expedite prosecution and more quickly identify allowable subject matter. Such amendments are merely intended to clarify the claimed features, and should not be construed as further limiting the claimed invention in response to the cited references.

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[0010]   Claims 27 and 45-46 are amended to clarify what installation comprises of. Support for the amendments to claims 27 and 45-46 is found in the specification at least at pages 12-13 and Figure 6.

Formal Matters

Claims

[0011]   The Examiner objects to claims 29 for inconsistencies. Herein, Applicant amends these claims, as shown above, to address the objection made by the Examiner, and to expedite prosecution.

Substantive Matters

Claim Rejections under §103

[0012]   Claims 27-31, 34, 36-39 and 42-44 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 7,062,567 to Benitez in view of U.S. Patent No. 6,442,754 to Curtis.

[0013]   Claim 32-33 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Benitez and Curtis in further view of U.S. Patent No. 6,496,979 to Chen.

[0014]   Claim 35 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Benitez in view of Curtis and in further view of U.S. Patent No. 6,931,546 to Kouznetsov and U.S. Patent Application Publication No. 2002/0104015 to Barzilai.

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[0015]   Claim 40 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Benitez in view of Curtis and in further view of Kouznetsov.

[0016]   Claim 41 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Benitez in view of Curtis and in further view of Barzilai.

[0017]   Claim 45 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Benitez in view of Curtis and Chen.

[0018]   Claim 46 Stands rejected under 35 U.S.C. §103(a) as being unpatentable over Benitez in view of Curtis, Kouznetsov and Barzilai.

[0019]   In light of the amendments presented herein and the decisions/agreements reached during the above-discussed Examiner interview, Applicant submits that these rejections are moot. Accordingly, Applicant asks the Examiner to withdraw these rejections.

Obviousness Rejections

Lack of *Prima Facie* Case of Obviousness (MPEP § 2142)

[0020]   Applicant disagrees with the Examiner's obviousness rejections. Arguments presented herein point to various aspects of the record to demonstrate that all of the criteria set forth for making a prima facie case have not been met for the claims as presently amended.

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Independent Claim 27

[0021]   Applicant submits that combination of Benitez and Curtis does not teach or suggest at least the following features as recited in this claim as presently amended (with emphasis added):

> installation on the client computing device system comprises:
>
>> receiving a request from the client computing system for a resource;
>>
>> determining if the resource is stored locally on the client computing system;
>>
>> if the resource is not stored locally on the client computing device, determining if the requested resource is an on demand resource or an online resource;
>>
>> if the resource is an on demand resource, caching the resource in an application store; and
>>
>> if the resource is an online demand resource, caching the resource in a transient cache.

[0022]   The Examiner indicates (Action, p. 4) the following with regard to this claim:

    -   enable the application to be installed on the client computing system, wherein during the enabled installation, the application is available for use while being installed *(see Column 12: 6-21, "Client Application Installer 305—This component is invoked when the application needs to be installed. The Client Application Installer 305 sends a specific request to the Application Server 107 for getting the Stream App Install Block 301 for the particular application that needs to be installed."; Column 15: 58-63, "The streaming file system allows applications to be run immediately by retrieving application file contents from the server as they are needed, not as the application is installed. This removes the download cost penalty of doing local installations of the application.").*

[0023]   Applicant has amended independent claim 27 to clarify what compromises installation on the client computing device system. Support for these amendments can be found at least at pages 12 and 13 of the present applications.

[0024]   Benitez does not teach installation as presently claimed. Instead, Benitez teaches that the "basis for the client side of the streamed application delivery and execution system is a mechanism for making applications appear as though they were installed on the client computer system without actually installing them. (See Benitez, col. 15, lines 36-39). The streaming file system caches file system contents on the local machine. (See Benitez, col. 15, lines 61-67).

[0025]   Benitez does not first determine if the resource is locally stored on the client device, but instead just streams the applications from the server directly to the cache of the client device. Further, for resources not available

locally, Benitez does not distinguish between on demand resources and online resources. As such, Benitez cannot teach how each different type of resource is handled.

[0026]   As such, the combination of Benitez and Curtis does not teach or suggest all of the elements and features of this claim. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

Dependent Claims 28-44

[0027]   These claims ultimately depend upon independent claim 27. As discussed above, claim 27 is allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

Independent Claim 45

[0028]   Applicant submits that combination of Benitez, Curtis, and Chen does not teach or suggest at least the following features as recited in this claim as presently amended (with emphasis added):

> installation on the client computing device system comprises:
>> receiving a request from the client computing system for a resource;
>> determining if the resource is stored locally on the client computing system;

if the resource is not stored locally on the client computing device, determining if the requested resource is an on demand resource or an online resource;

if the resource is an on demand resource, caching the resource in an application store; and

if the resource is an online demand resource, caching the resource in a transient cache.

[0029]   The Examiner indicates (Action, p. 16-17) the following with regard to this claim:

-    enable the application to be installed on the client computing system, wherein during the enabled installation, the application is available for use while being installed *(see Column 12: 6-21, "Client Application Installer 305—This component is invoked when the application needs to be installed. The Client Application Installer 305 sends a specific request to the Application Server 107 for getting the Stream App Install Block 301 for the particular application that needs to be installed."; Column 15: 58-63, "The streaming file system allows applications to be run immediately by retrieving application file contents from the server as they are needed, not as the application is installed. This removes the download cost penalty of doing local installations of the application.").*

[0030]   Applicant has amended independent claim 45 to clarify what compromises installation on the client computing device system.   Support for

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these amendments can be found at least at pages 12 and 13 of the present applications.

[0031]   As discussed previously, Benitez does not teach installation as presently claimed. Instead, Benitez teaches that the "basis for the client side of the streamed application delivery and execution system is a mechanism for making applications appear as though they were installed on the client computer system without actually installing them. (See Benitez, col. 15, lines 36-39). The streaming file system caches file system contents on the local machine. (See Benitez, col. 15, lines 61-67).

[0032]   Benitez does not first determine if the resource is locally stored on the client device, but instead just streams the applications from the server directly to the cache of the client device. Further, for resources not available locally, Benitez does not distinguish between on demand resources and online resources. As such, Benitez cannot teach how each different type of resource is handled.

[0033]   As such, the combination of Benitez, Curtis and Chen does not teach or suggest all of the elements and features of this claim. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

Independent Claim 46

[0034]   Applicant submits that combination of Benitez, Curtis, Kouznetsov and Barzilai does not teach or suggest at least the following features as recited in this claim as presently amended (with emphasis added):

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installation on the client computing device system comprises:

receiving a request from the client computing system
for a resource;

determining if the resource is stored locally on the client
computing system;

if the resource is not stored locally on the client
computing device, determining if the requested
resource is an on demand resource or an online
resource;

if the resource is an on demand resource, caching the
resource in an application store; and

if the resource is an online demand resource, caching
the resource in a transient cache.

[0035] The Examiner indicates (Action, p. 20) the following with regard to
this claim:

-   enable the application to be installed on the client computing system, wherein during

the enabled installation, the application is available for use while being installed *(see Column 12:*

6-21, "Client Application Installer 305—This component is invoked when the application needs

to be installed. The Client Application Installer 305 sends a specific request to the Application

Server 107 for getting the Stream App Install Block 301 for the particular application that needs

to be installed."; Column 15: 58-63, "The streaming file system allows applications to be run

immediately by retrieving application file contents from the server as they are needed, not as the

application is installed. This removes the download cost penalty of doing local installations of

the application.").

[0036]   Applicant has amended independent claim 46 to clarify what compromises installation on the client computing device system. Support for these amendments can be found at least at pages 12 and 13 of the present applications.

[0037]   As discussed previously, Benitez does not teach installation as presently claimed. Instead, Benitez teaches that the "basis for the client side of the streamed application delivery and execution system is a mechanism for making applications appear as though they were installed on the client computer system without actually installing them. (See Benitez, col. 15, lines 36-39). The streaming file system caches file system contents on the local machine. (See Benitez, col. 15, lines 61-67).

[0038]   Benitez does not first determine if the resource is locally stored on the client device, but instead just streams the applications from the server directly to the cache of the client device. Further, for resources not available

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locally, Benitez does not distinguish between on demand resources and online resources. As such, Benitez cannot teach how each different type of resource is handled.

[0039]   As such, the combination of Benitez, Curtis, Kouznetsov and Barzilai does not teach or suggest all of the elements and features of this claim. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

Conclusion

[0040]   All pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application.   If any issues remain that prevent issuance of this application, the **Examiner is urged to contact me before issuing a subsequent Action**.   Please call or email me at your convenience.

Respectfully Submitted,

Lee & Hayes, PLLC
Representatives for Applicant

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